

Message Text

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ORIGIN STR-07

INFO OCT-01 IO-13 ISO-00 AGRE-00 CEA-01 CIAE-00
COME-00 DODE-00 EB-08 FRB-03 H-01 INR-10 INT-05
L-03 LAB-04 NSAE-00 NSC-05 PA-01 CTME-00 AID-05
SS-15 ITC-01 TRSE-00 ICA-11 SP-02 SOE-02 OMB-01
DOE-15 AF-10 ARA-10 EA-10 EUR-12 NEA-11 JUSE-00
FTC-01 OES-07 CEQ-01 STRE-00 /176 R

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TREASURY: E.BARBER
-----024363 230104Z /63
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FM SECSTATE WASHDC
TO USMISSION GENEVA PRIORITY

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FOR MTN

E.O. 11652: N/A

TAGS: ETRD, GATT, MTN

SUBJECT: DISPUTE SETTLEMENT IN STANDARDS CODE

REFERENCE: GENEVA 09407

1. WITH REGARD TO COMMENTS THE DELEGATION PLANS TO MAKE TO
THE CHAIRMAN ON THE DRAFT DISPUTE SETTLEMENT TEXT FOR THE
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STANDARDS CODE (REFTEL), WE ARE IN COMPLETE AGREEMENT,
EXCEPT FOR POINT 4. WE HAVE NO TROUBLE ACCEPTING BEGIN
QUOTE NORMALLY THREE BUT NOT MORE THAN FIVE END QUOTE, SINCE
THERE MIGHT BE A PROBLEM IN FINDING PANELISTS. THEREFORE,
WE WOULD SUGGEST THAT LANGUAGE AS DRAFTED NOT BE DELETED.

2. REGARDING CHAIRMAN'S DRAFT TEXT, WE HAVE THE FOLLOWING

PRELIMINARY COMMENTS (MORE SUBSTANTIVE COMMENTS MAY FOLLOW):

(A) 21(D): PREFER PARAGRAPH END WITH PHRASE BEGIN QUOTE THE MATTER MAY BE REFERRED TO THE COMMITTEE BY ALL PARTIES TO THE DISPUTE END QUOTE.

(B) 21(F)(IV): USDA PREFERS BRACKETING BEGIN QUOTE UNDER THIS CODE END QUOTE. BEGIN FYI. USDA HAS QUESTIONS ON SANCTIONS IN THE STANDARDS CODE. USDA ALSO QUESTIONS WHAT OBLIGATIONS WOULD BE SUSPENDED. END FYI.

(C) ,1(H): PREFER THAT PARAGRAPH IS BRACKETED.

(D) 21(J)(III): PREFER TO INSERT NEW SENTENCE AFTER THE SECOND SENTENCE THAT STATES BEGIN QUOTE IN ORDER TO ENABLE THE PARTIESTODEVELOP A MUTUALLY SATISFACTORY SOLUTION TO THE DISPUTE, THE PANEL SHALL INFORM THE PARTIES OF ANY PRELIMINARY DETERMINATIONS THE PANEL MIGHT REACH END QUOTE.

PREFER REVISE THIRD SENTENCE TO READ BEGIN QUOTE IN THIS CONNECTION, THE PANEL SHALL ALSO CONSULT REGULARLY WITH THE PARTIES TO THE DISPUTE END QUOTE.

PARAGRAPH WOULD THEN CONTINUE WITH THE FIRST SENTENCE THAT STARTS BEGIN QUOTE ANY ADHERENT SHALL END QUOTE.

(E) 21(J)(IV): PREFER REVISE THIRD SENTENCE TO READ BEGIN LIMITED OFFICIAL USE

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QUOTE IN ORDER TO GIVE THE PARTIES AN OPPORTUNITY TO DEVELOP A MUTUALLY SATISFACTORY SOLUTION, PANELS SHALL INFORM THE PARTIES TO THE DISPUTE OF THEIR CONCLUSIONS BEFORE THEY ARE TRANSMITTED TO THE COMMITTEE END QUOTE.

3. IN MAKING COMMENTS ON THE CHAIRMAN'S DRAFT, THE DEL SHOULD MAKE IT ABSOLUTELY CLEAR THAT THE U.S. CAN NOT, REPEAT NOT, STATE, AT THIS TIME, THAT THE DRAFT, EVEN WITH BRACKETS AND WASHINGTON'S AND DEL'S COMMENTS, INCORPORATES FULLY U.S. POSITION ON DISPUTE SETTLEMENT. VANCE

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TAGS: ETRD, GATT, MTN
To: GENEVA
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